

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 1 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Robert J Bracchitta
Nancy Bracchitta**

Case No.: **16-26375**

Judge: **RG**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: **6/22/2018**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **DLS**

Initial Debtor: **RJB**

Initial Co-Debtor **N B**

Part 1: Payment and Length of Plan

a. The debtor shall pay 670.00 Monthly to the Chapter 13 Trustee, starting on June 1, 2018 for approximately 39 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☒ Other sources of funding (describe source, amount and date when funds are available): \$13,740 already paid into Plan.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scura, Wigfield, Heyer, Stevens & Cammarota, LLP	Administrative	Amount to be determined by further application top the Court

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

- ☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Specialized Loan Servicing	81 Valley Road Lincoln Park, NJ 07035 Morris County	299,000.00	Surrendered in full salification of creditor's claim
Wells Fargo Hm Mortgage	81 Valley Road Lincoln Park, NJ 07035 Morris County	299,000.00	Surrendered in full salification of creditor's claim

f. Secured Claims Unaffected by the Plan ☒ **NONE**

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ **NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ ___ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☐ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Gm Financial	0.00	Auto lease	Assumed	414.00
Toyota Motor Credit Co	0.00	Auto lease	Rejected	490.00

Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J.

LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.
Date of Plan being modified: 8/18/2016.

Explain below **why** the plan is being modified:

To surrender real property located at 81 Valley Road, Lincoln Park, NJ., and reject the lease with Toyota Motor Credit, Co.

Explain below **how** the plan is being modified:

The Real Property is being listed in Part 4e, and also rejected the lease with Toyota Motor Credit Co., in Part 6.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date June 22, 2018

/s/ David L. Stevens

David L. Stevens 034422007 NJ

Attorney for the Debtor

Date: June 22, 2018

/s/ Robert J Bracchitta

Robert J Bracchitta

Debtor

Date: June 22, 2018

/s/ Nancy Bracchitta

Nancy Bracchitta

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date June 22, 2018

/s/ David L. Stevens

David L. Stevens 034422007 NJ

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: June 22, 2018

/s/ Robert J Bracchitta

Robert J Bracchitta

Debtor

Date: June 22, 2018

/s/ Nancy Bracchitta

Nancy Bracchitta

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Robert J Bracchitta
 Nancy Bracchitta
 Debtors

Case No. 16-26375-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 36

Date Rcvd: Jun 25, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 27, 2018.

db/jdb
 aty +Robert J Bracchitta, Nancy Bracchitta, 81 Valley Road, Lincoln Park, NJ 07035-2532
 +James Patrick Shay, Phelan Hallinan Diamond Jones, LLP, 1617 JFK Blvd., One Penn Center,
 Suite #1400, Philadelphia, PA 19103-1814
 cr +Specialized Loan Servicing LLC, as servicing agent, C/O Buckley Madole, P.C.,
 99 Wood Avenue South, Suite 803, Iselin, NJ 08830-2713
 cr +Specialized Loan Servicing LLC, as servicing agent, P. O. Box 9013, Addison, TX 75001-9013
 cr +WELLS FARGO BANK, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 516388095 +ACAR Leasing LTD d/b/a, GM Financial Leasing, PO BOX 183853, Arlington, TX 76096-3853
 516497637 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516358886 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 516358892 Gm Financial, Po Box 1181145, Arlington, TX 76096
 516358894 +Specialized Loan Servicing, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386
 516358898 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit Co, 4 Gatehall Dr Ste 350,
 Parsippany, NJ 07054)
 516358896 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
 516358897 +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 516512829 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 516401242 +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516358899 +US Bank, PO box 068, Buffalo, NY 14240-0068
 516358900 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
 (address filed with court: Wells Fargo Hm Mortgage, 8480 Stagecoach Circle,
 Frederick, MD 21701)
 517108741 WELLS FARGO BANK, N.A., DEFAULT DOCUMENT PROCESSING, MAC#N9286-01Y,
 1000 BLUE GENTIAN ROAD, EAGAN, MN 55121-7700
 516488385 WELLS FARGO BANK, N.A., WELLS FARGO BANK, N.A., Default Document Processing,
 MAC N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-7700

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 25 2018 23:36:51 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 25 2018 23:36:48 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516358885 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 25 2018 23:38:40
 Capital One Bank Usa N, 15000 Capital One Dr, Richmond, VA 23238
 516439620 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 25 2018 23:38:00
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516480238 +E-mail/Text: bankruptcy@cvaps.com Jun 25 2018 23:37:05 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 516358887 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 25 2018 23:36:26 Comenity Bank/express,
 Po Box 182789, Columbus, OH 43218-2789
 516358888 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 25 2018 23:36:26 Comenity Bank/nwyrk&co,
 220 W Schrock Rd, Westerville, OH 43081-2873
 516358889 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 25 2018 23:36:27 Comenity Bank/vctrssec,
 Po Box 182789, Columbus, OH 43218-2789
 516371078 E-mail/Text: mrdiscen@discover.com Jun 25 2018 23:35:59 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516358890 +E-mail/Text: mrdiscen@discover.com Jun 25 2018 23:35:59 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 516358891 +E-mail/Text: tjaskot@firstjerseycu.com Jun 25 2018 23:37:35 First Jersey Cu,
 1 Corporate Drive, Wayne, NJ 07470-3106
 516358893 +E-mail/Text: bnckohlsnotices@becket-lee.com Jun 25 2018 23:36:00 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 516502031 E-mail/PDF: resurgentbknofications@resurgent.com Jun 25 2018 23:38:06
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516581168 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 25 2018 23:49:41
 Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,
 Norfolk VA 23541
 516475980 E-mail/Text: bnc-quantum@quantum3group.com Jun 25 2018 23:36:41
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 516358895 +E-mail/PDF: gecsedirecoverycorp.com Jun 25 2018 23:38:34 Synch/care Credit,
 C/o Po Box 965036, Orlando, FL 32896-0001
 516578680 +E-mail/Text: bncmail@w-legal.com Jun 25 2018 23:37:01 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 TOTAL: 17

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 36

Date Rcvd: Jun 25, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516715663* +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
Addison, Texas 75001-9013

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 27, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 22, 2018 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
David L. Stevens on behalf of Debtor Robert J Bracchitta dstevens@scuramealey.com,
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com/dmedina@scura.com
David L. Stevens on behalf of Joint Debtor Nancy Bracchitta dstevens@scuramealey.com,
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com/dmedina@scura.com
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
bkggroup@kmlawgroup.com
Francesca Ann Arcure on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent
for U.S. Bank National Association, as Indenture Trustee of the GMACM Home Equity Loan Trust
2006- HE4 NJ_ECF_Notices@McCalla.com, NJ_ECF_Notices@McCalla.com
Francesca Ann Arcure on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent
for U.S. Bank National Association, as Indenture Trustee of the GMACM Home Equity Loan Trust
2006- HE4 with respect to its interest in the property d NJ_ECF_Notices@McCalla.com,
NJ_ECF_Notices@McCalla.com
Marie-Ann Greenberg magecf@magtrustee.com
Melissa N. Licker on behalf of Creditor Specialized Loan Servicing, LLC
NJ_ECF_Notices@McCalla.com
Nicholas V. Rogers on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com

TOTAL: 9